

## **REMARKS**

This application has been reviewed in light of the Office Action mailed March 24, 2005.

Reconsideration of this application in view of the below remarks is respectfully requested.

Claims 1-10 are pending in the application with Claims 1, 5, 7 and 10 being in independent form.

### **I. Rejection of Claims 1-10 Under 35 U.S.C. §103(a)**

Claims 1-10 are rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 6,374,036 issued to Ryan et al. in view of "Multimedia in the Teaching Space" (hereinafter, "MTS") and further in view of U.S. Patent No. 6,636,615 issued to Rhoads et al. The rejection of Claims 1-10 is respectfully traversed.

Ryan et al. teaches a method and apparatus for copy-once rights management of video recordings using watermarks, however Ryan et al. does not teach detecting watermarks that have been scaled. Applicant's present invention specifically states that changes in scaling (i.e. image size) degrade prior art watermark detectors ability to detect an embedded watermark (see Applicant's paragraph 0008-0009).

The Examiner, relying on the MTS reference, equates the scaling factor used in YUV composite video, wherein (B-Y) and (R-Y) must be scaled so that the NTSC or PAL signal (luma (Y) + modulated Chroma (U·V)) is between the range of  $-1/3$  and  $+4/3$ . This so called scaling factor is actually a ratio between two color components and not a resizing factor as disclosed in Applicant's specification (see Applicant's paragraph 0008, lines 5-6). The term scaling is generally understood by one of ordinary skill in the art to mean reducing or increasing width and height of an image by a uniform value, thus maintaining the proper aspect ratio of the image.

Rhoads et al. teaches using multiple watermarks to provide rights management protection to documents. The watermarks disclosed by Rhoads et al. have characteristics that are chosen so

that the watermarks will be affected in different manners if the document is subsequently copied or reproduced (see Rhoads et al. Abstract). The characteristics disclosed in Rhoads et al. are graininess differences, pattern differences, power level differences, and different color conversion algorithms between two watermarks. However, Rhoads et al. does not teach detecting watermarks that have been scaled (i.e., resized) by using a first detector for detecting a first scaling factor and a second detector for detecting a watermark including a second scaling factor.

Additionally, one of ordinary skill in the art would not be motivated to combine the teachings of Rhoads et al. with the YUV composite video scaling factors as there is no indication in either reference that Luma or Chroma will be affected in different manners if the document is subsequently copied or reproduced, thus neither component would meet the characteristic selection criteria of Rhoads et al.

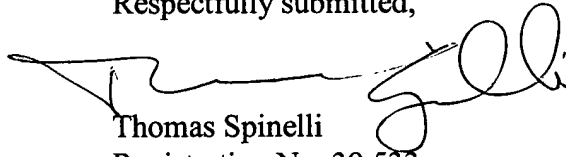
Claims 1-10 recite scaling factors as discussed above and thus are not disclosed or anticipated by Ryan et al., MTS and Rhoads et al. taken alone or in any proper combination. Therefore, for at least the reasons given above, Claims 1-10 are believed to be patentably distinct over the prior art references made of record. Accordingly, Applicant respectfully requests withdrawal of the rejection, with respect to Claims 1-10 under 35 U.S.C. §103(a) over Ryan et al. in view of MTS and further in view of Rhoads et al, and allowance thereof.

### CONCLUSION

In view of the foregoing remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 1-10 are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Applicant's undersigned attorney at the number indicated below.

Respectfully submitted,



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